

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JUAN E. MANZUR,

Petitioner,

v.

NEVADA ATTORNEY GENERAL, *et al.*,

Respondents.

Case No. 3:16-cv-00630-MMD-VPC

ORDER

This case was initiated on November 1, 2016, as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, by Nevada prisoner Juan E. Manzur.

On November 9, 2016, the Court screened Manzur's habeas petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, and dismissed it, finding that it was a successive petition, and that Manzur had not obtained from the court of appeals the permission required to file such a successive petition. (See Order entered November 9, 2016 (ECF No. 6).) Judgment was entered the same date. (See Judgment (ECF No. 7).)

On November 23, 2016, Manzur filed a motion for reconsideration (ECF No. 9). In that motion, Manzur requests that the judgment be vacated, and that his habeas petition be treated as a civil rights complaint. On November 29, 2016, Manzur paid the \$450 filing fee for a civil rights action (ECF No. 10).

The Court will deny Manzur's motion for reconsideration. Manzur's habeas petition in this action (ECF No. 1-1), naming the warden of the Northern Nevada

1 Correctional Center and the Nevada Attorney General as respondents, cannot reasonably  
2 be construed as a civil rights complaint. If Manzur wishes to pursue a civil rights action,  
3 he must initiate a new action by filing a civil rights complaint on the proper form (see Local  
4 Rule LSR 2-1), and either pay the filing fee for that action or file an application to proceed  
5 *in forma pauperis* (see Local Rule LSR 1-1). The Court will direct the Clerk of the Court  
6 to refund to Manzur the \$450 that he paid on November 29, 2016, relative to this case,  
7 and will direct the Clerk of the Court to send Manzur the proper form complaint, and form  
8 application to proceed *in forma pauperis*, necessary to initiate a civil rights action.

9 It is therefore ordered that petitioner's Motion for Reconsideration (ECF No. 9) is  
10 denied.

11 It is further ordered that the Clerk of the Court refund to petitioner the \$450 that he  
12 paid, relative to this case, on November 29, 2016 (ECF No. 10).

13 It is further ordered that the Clerk of the Court send to petitioner, along with service  
14 of this order, the forms for a *pro se* prisoner civil rights complaint, and for a prisoner's  
15 application to proceed *in forma pauperis*.

16 DATED THIS 30<sup>th</sup> day of November 2016.

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20 MIRANDA M. DU  
21 UNITED STATES DISTRICT JUDGE  
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